

PTO/SB/24A (09-04)

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PETITION FOR EXPRESS ABANDONMENT TO AVOID PUBLICATION UNDER 37 CFR 1.138(c)	Application Number	10/706844-Conf. #6086
Fax the petition directly to the Pre-Grant Publication Division at (703) 305-8568 Or Mail the petition to: MS Express Abandonment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Filing Date	November 12, 2003
	First Named Inventor	Ewa HERBST
	Art Unit	3762
	Examiner Name	Not Yet Assigned
	Attorney Docket No.	286932.127 US3

Petition for Express Abandonment to Avoid Publication under 37 CFR 1.138(c)

I hereby petition to expressly abandon the above-identified application to avoid publication.

Petition Fee – must be filed with petition to avoid delays in recognizing the petition.

a. The Director is hereby authorized to charge the petition fee under 37 CFR ~~NOT OK FOR ABANDONMENT~~
 Deposit Account No. 08-0219
 I have enclosed a duplicate copy of this sheet.

b. Check in the amount of \$ _____ is enclosed.

c. Payment by credit card (Form PTO-2038 is enclosed).

SEP 7 2005

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NOTE: A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01. In addition, the paper will not stop publication of the application unless a petition under 37 CFR 1.138(c) is recognized and acted on by the Pre-Grant Publication Division in sufficient time to avoid publication (e.g., more than four (4) weeks prior to the projected publication date).

I am the: applicant. assignee of record of the entire interest. See 37 CFR 3.71.
 Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) attorney or agent of record. Registration Number 51,176


September 6, 2005

Date

Philip R. Poh
Typed or printed name

(212) 937-7294

Telephone Number

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

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Dated: August 31, 2005

Signature: _____ (Philip R. Poh)

FAX TRANSMISSION

DATE: September 6, 2005

PTO IDENTIFIER: Application Number 10/706844-Conf. #6086
Patent Number

Inventor: Ewa HERBST

MESSAGE TO: Pre-Grant Publication Division

FAX NUMBER: (703) 305-8568

FROM: WILMER CUTLER PICKERING HALE AND DORR LLP

Philip R. Poh

PHONE: (212) 937-7294

Attorney Dkt. #: 286932.127 US3

PAGES (Including Cover Sheet): 4

CONTENTS: Certificate of Transmission (1 page)
Express Abandonment Under 37 CFR 1.138(c) (1 page)
Petition Fee Transmittal (1 page)
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WILMER CUTLER PICKERING HALE AND DORR LLP
399 Park Avenue, New York, New York 10022
Telephone: (212) 230-8800 Facsimile: (212) 230-8888

PTO/SB/97 (09-04)

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Application No. (if known): 10/706844

Attorney Docket No.: 286932.127 US3

Certificate of Transmission under 37 CFR 1.8

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Philip R. Poh

Typed or printed name of person signing Certificate

51,176
Registration Number, if applicable

(212) 937-7294
Telephone Number

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Fax Cover Sheet to USPTO (1 page)
Express Abandonment Under 37 CFR 1.138(c) (1 page)
Petition Fee Transmittal (1 page)
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PTO/SB/17p (11-04)

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PETITION FEE Under 37 CFR 1.17(f), (g) & (h) TRANSMITTAL (Fees are subject to annual revision)		Application Number	10/706844-Conf. #6086
Send completed form to: MS Express Abandonment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		Filing Date	November 12, 2003
		First Named Inventor	Ewa HERBST
		Art Unit	N/A
		Examiner Name	Not Yet Assigned
		Attorney Docket Number	286932.127 US3

Enclosed is a petition filed under 37 CFR 1.138(c) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees).

The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 08-0219:
 Petition fee under 37 CFR 1.17(f), (g) or (h) Any deficiency of fees and credit of any overpayments
 Enclose a duplicative copy of this form for fee processing.
 Check in the amount of \$ _____ is enclosed.
 Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:
 § 1.53(e) – to accord a filing date.
 § 1.57(a) – to accord a filing date.
 § 1.182 – for decision on a question not specifically provided for.
 § 1.183 – to suspend the rules.
 § 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
 § 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:
 § 1.12 – for access to an assignment record.
 § 1.14 – for access to an application.
 § 1.47 – for filing by other than all the inventors or a person not the inventor.
 § 1.58 – for expungement of information.
 § 1.103(a) – to suspend action in an application.
 § 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.
 § 1.295 – for review of refusal to publish a statutory invention registration.
 § 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
 § 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
 § 1.350(c) – for patent owner requests for extension of time in ex parte reexamination proceedings.
 § 1.956 – for patent owner requests for extension of time in inter partes reexamination proceedings.
 § 5.12 – for expedited handling of a foreign filing license.
 § 5.15 – for changing the scope of a license.
 § 5.25 – for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:
 § 1.19(g) – to request documents in a form other than that provided in this part.
 § 1.84 – for accepting color drawings or photographs.
 § 1.91 – for entry of a model or exhibit.
 § 1.102(d) – to make an application special.
 § 1.138(c) – to expressly abandon an application to avoid publication.
 § 1.313 – to withdraw an application from issue.
 § 1.314 – to defer issuance of a patent.

Signature

Philip R. Poh
Typed or printed name

September 6, 2005

Date

51,176

Registration No., if applicable

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 305-8568, on the date shown below.

Dated: September 6, 2005

Signature:

(Philip R. Poh)